

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC, *et al.*,

Defendants.

Civil No. 3:18-CV-02293 (GC)(RLS)

**[PROPOSED] ORDER GRANTING  
INDIVIDUAL DEFENDANTS'  
MOTION TO DISMISS THE  
CONSOLIDATED THIRD  
AMENDED CLASS ACTION  
COMPLAINT FOR VIOLATION  
OF THE FEDERAL SECURITIES  
LAWS**

Defendants John O'Rourke and Michael Beeghley (together, the "Individual Defendants") Joinder and Motion to Dismiss (the "Motion") Lead Plaintiff Dr. Stanley Golovac's ("Lead Plaintiff") Consolidated Third Amended Class Action Complaint was heard on October 17, 2022 in Room 4E of the above-captioned Court.

Having heard and considered all of the pleadings and records on file, and all papers in support of and in opposition to the Motion, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

1. The Individual Defendants' Motion is GRANTED in its entirety.
2. Lead Plaintiff's First Cause of Action for Violation of Section 10(b) of the Exchange Act and Rule 10b-5(a) and (c) is dismissed with prejudice for failure to state facts sufficient to constitute a cause of action.
3. Lead Plaintiff's Second Cause of Action for Violation of Section 10(b) of the Exchange Act and Rule 10b-5(b) is dismissed as with prejudice for failure to state facts sufficient to constitute a cause of action.
4. Lead Plaintiff's Third Cause of Action for Violation of Section 20(a) of the Exchange Act is dismissed with prejudice for failure to state facts sufficient to constitute a cause of action.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

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Hon. Georgette Castner